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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/937,986 | 01/02/2002 | Martin Griesser | AP9610 | 8850 |
| 44200 | 7590 | 05/04/2005 | EXAMINER | |
| HONIGMAN MILLER SCHWARTZ AND COHN LLP | | | BROADHEAD, BRIAN J | |
| 32270 TELEGRAPH RD | | | ART UNIT | |
| SUITE 225 | | | PAPER NUMBER | |
| BINGHAM FARMS, MI 48025-2457 | | | 3661 | |

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/937,986 | GRIESSER, MARTIN | |
| | Examiner | Art Unit | |
| | Brian J. Broadhead | 3661 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 45 through 51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 45 recites the limitation "said one or more modified input signals" in line 6. There is insufficient antecedent basis for this limitation in the claim.

4. The remaining claims are rejected for being dependent on claim 45.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 54, 56, and 57 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims recite the limitation "output signal" in a manner inconsistent with the originally filed specification. For example, in claim 54, the output signal is modified according to the driving dynamics. In the specification the output signal is only disclosed as being modified according to a

determination of a pressure loss. It seems that "output signal" in the claims is actually referring to what is described as an intermediate signal, or PG test quantity, in the specification. This view seems to be reinforced by claim 56. In claim 56, the output signal is compared to a threshold value to determine a pressure loss. But in the specification the output signal is supposed to be output after a pressure loss has already been determined. It has been assumed for examination purposes that "output signal" means --test quantity--.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Okawa et al., 5591906.

9. Okawa et al. disclose accepting at least one input signal relating to vehicle wheel speed and modifying said at least one input signal based on one or more driving dynamics variable of the vehicle on line 56, on column 15, through line 45, on column 16; determining the existence of a loss of tire pressure in a wheel based on said one or more modified input signals on lines 30-65, on column 11; controlling a vehicle brake control system in response to the loss in tire pressure on lines 26-35, on column 4; the determining step further includes generating a test quantity and comparing the test quantity to threshold values, whereby the loss in tire pressure is determined to exist

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when the test quantity exceeds or drops below the threshold values on lines 44-53, on column 11; modifying the test quantity in response to the loss in tire pressure is inherent since the test quantity of Okawa et al. is based on wheel speeds and the wheel speeds will change with a loss of pressure; determining a modification quantity during operation of the vehicle and storing the modification quantity in a memory on lines 38-42, on column 17; the driving dynamics variable comprises one of vehicle speed, longitudinal acceleration, yaw rate, transverse acceleration, steering angle, curve characteristic, wheel acceleration, wheel slip, wheel slip gradient, and a tire torsion on lines 1-20, on column 16; the controlling step changes one of a brake control nominal value, a brake threshold, and a control algorithm of a brake system on lines 26-35, on column 4.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 48 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okawa et al., 5591906, in further view of Yamamoto, 5546308.

12. Okawa et al. disclose the limitations as set forth above. Okawa et al. do not disclose limiting a maximum speed of the vehicle by engine intervention in response to the loss of tire pressure. Yamamoto teaches limiting a maximum speed of the vehicle by engine intervention in response to the loss of tire pressure on lines 35-41, on column 5. It would have been obvious to one of ordinary skill in the art at the time the invention

was made to use the teaching of Yamamoto in the invention of Okawa et al. because such modification would prevent a dangerous operating condition when road holding ability of the vehicle is decreased as disclosed by Yamamoto on lines 51-56, on column 1.

Response to Arguments

13. Applicant's arguments with respect to claims 45-58 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3600